

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 GERALD A. ENGLER
Senior Assistant Attorney General
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Deputy Attorney General
5 ARTHUR P. BEEVER
Deputy Attorney General
6 State Bar No. 242040
455 Golden Gate Avenue, Suite 11000
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9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 **IDRIS NAWABI,**

Petitioner,

15 **v.**

16 **J. HARTELY, Warden,**

Respondent.

C 08-1258 WHA (PR)

**APPLICATION FOR EXTENSION
OF TIME TO FILE RESPONSE**

19 Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent hereby requests a 14-day
20 extension of time from today's date until July 25, 2008, in which to file a response to the petition
21 for writ of habeas corpus. Good cause for the extension is set forth in the accompanying declaration
22 of counsel. We have not attempted to contact petitioner, who is an incarcerated state prisoner
23 representing himself in this case.

24 WHEREFORE, respondent respectfully requests that this Court grant an extension of time
25 to and including July 25, 2008, in which to file the answer or other responsive pleading.
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1 Dated: July 11, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
Chief Assistant Attorney General

5 GERALD A. ENGLER
Senior Assistant Attorney General

6 GREGORY OTT
7 Deputy Attorney General

8
9 /s/ Arthur P. Beever
10 ARTHUR P. BEEVER
11 Deputy Attorney General
12 Attorneys for Respondent
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Nawabi v. Hartely, Warden**

No.: **C 08-1258 WHA (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On July 11, 2008, I served the attached

APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE

DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE

ORDER GRANTING FIRST EXTENSION OF TIME TO FILE RESPONSE

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Francisco, California, addressed as follows:

Idris Nawabi
P-41591/640-53L
Avenal State Prison
P.O. Box 9
Avenal, CA 93204-0009

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 11, 2008, at San Francisco, California.

M. Argarin
Declarant

/s/ M. Argarin
Signature

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
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9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 **IDRIS NAWABI,**

Petitioner,

15 v.

16 **J. HARTELY, Warden,**

Respondent.

C 08-1258 WHA (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
EXTENSION OF TIME TO FILE
RESPONSE**

19 I, Arthur P. Beever, declare under penalty of perjury as follows:

20 1. I am a Deputy Attorney General for the State of California and am assigned to
21 represent respondent in this habeas corpus case.

22 2. On March 11, 2008, this Court issued an Order to Show Cause why the petition for a
23 writ of habeas corpus should not be granted. The California Attorney General's Office in San
24 Francisco docketed the order on March 24, 2008. We have received two extensions of time, for a
25 total of 60 days.

26 3. No Deputy Attorney General was assigned to represent respondent in the state courts.
27 I am unfamiliar with the case. In the past 30 days, I have filed the Respondent's Brief on the Merits
28 in *People v. Stevens* (California Supreme Court case number S158852) and the response in *Lowe*

1 *v. Walker* (C 08-005). I am currently devoting substantially all of my time to this case. I do not
2 anticipate requiring any further extensions of time.

3 4. I have not attempted to contact petitioner because he is an incarcerated state prisoner
4 who is representing himself in this case.

5 5. Accordingly, I respectfully request that this Court grant an extension of time to and
6 including July 25, 2008, in which to file a response to the order to show cause.

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8 Dated: July 11, 2008

9 Respectfully submitted,

10 EDMUND G. BROWN JR.
Attorney General of the State of California

11 DANE R. GILLETTE
Chief Assistant Attorney General

12 GERALD A. ENGLER
Senior Assistant Attorney General

13 GREGORY OTT
Deputy Attorney General

14
15
16 /s/ Arthur P. Beever
ARTHUR P. BEEVER
Deputy Attorney General
Attorneys for Respondent
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5 IN THE UNITED STATES DISTRICT COURT
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8 **IDRIS NAWABI,**

9
10 Petitioner,

11 **v.**

12 **J. HARTELY, Warden**

13 Respondent.
14

C 08-1258 WHA (PR)

**ORDER GRANTING FIRST
EXTENSION OF TIME TO FILE
RESPONSE**

15 GOOD CAUSE APPEARING, it is hereby ordered that respondent is granted an
16 extension of time, to and including July 25, 2008, to file a response to the petition for writ of
17 habeas corpus.

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19 DATED: _____
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21 _____
22 WILLIAM ALSUP
23 United States District Judge
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